

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES)
)
v.) CRIM. NO. 13-10017-JLT
)
ALEXIS HIDALGO *ET AL*)

AFFIDAVIT OF BOSTON POLICE DETECTIVE MARTIN M.
O'MALLEY SUBMITTED IN SUPPORT OF THE
GOVERNMENT'S MOTION FOR DETENTION

ALEXIS HIDALGO: "TUESDAY'S ON. WE ARE
GOING TO BE GOOD FOR A
LONG TIME."
JEREMIAH BARBOSA: "CALI?"
ALEXIS HIDALGO: "YES."
JEREMIAH BARBOSA: "IS IT THE MOTHER-LOAD?"
ALEXIS HIDALGO: "YOU JUST GOT US INDICTED
BRO. IF THEY ARE LISTENING,
I SELL WEED MAN!"

*- August 9, 2012 interception of
Alexis Hidalgo, who sold more than
280 grams of crack cocaine to the
Cooperating Witness in this case*

"I RUN THE BLOCK TELL HIM HE AIN'T ALLOWED..... I TOLD HIM, I TOLD HIM EVERYTHING SO HE COULD CALL JAB, JAB DID NOT CALL ME NIGGA. I CALLED HIM AND EVERYTHING..... AND I KNOW HE WAS WITH HIS SISTER, I LET IT BE SAID IN FRONT OF VISH, TO TELL (U) SO HE COULD HEAR IT NIGGA. WHAT THE FUCK IS HE THINKIN ...? I CALL THE SHOTS NIGGA"

-October 26, 2012 interception of Jonathan DaSilva explaining to Alexis Hidalgo how he runs operations on Woodward Avenue

I, Martin M. O'Malley, being duly sworn, hereby state as follows:

I. INTRODUCTION

1. I am a Detective with the Boston Police Department ("BPD"). I am submitting this affidavit in support of the government's motion that the following individuals be detained pending trial in this matter: (1) ALEXIS HIDALGO , a/k/a "P," a/k/a "Papi-T," a/k/a "Papi-Thing," a/k/a "Light," a/k/a "Frank"; (2) JONATHAN DASILVA, a/k/a "Jon-Jon," a/k/a "The Don," a/k/a "Jerk," a/k/a "Jerky," a/k/a "the Boss"; (3) JOHN ALVES, a/k/a "Polk," a/k/a "Purdue"; (4) HAMZA AWIL; (5) BENJAMIN BAPTISTA, a/k/a " BJ," a/k/a "Jazzo"; (6) JEREMIAH BARBOSA, a/k/a "DeDe"; (7) MAURICE BARNETT, a/k/a "Cali"; (8) JACKSON BARROS,

a/k/a "Jab," a/k/a "Frost," a/k/a "Jack Frost"; (9) MICHAEL BEAL, a/k/a "Dred"; (10) JOSHUA BRANDAO; (11) JULIO COLLAZOS, a/k/a "H"; (12) ILTON CORREIA, a/k/a "Gay Guy," a/k/a "Ilt"; (13) JERRY CORREIA; (14) LINO CORREIA, a/k/a "Hajj," a/k/a "LJ", a/k/a "L"; (15) ALEX DASILVA, a/k/a "Big Face Al"; (16) JOSE DENIS; (17) CARLOS FERNANDES; (18) MOISES FIGUEROA, a/k/a "Moe," a/k/a "Mizz"; (19) Patrick GOMES, a/k/a "Pistol," a/k/a "Lil P"; (20) Hamilton LOPES, a/k/a "Ham," a/k/a "Hammi"; (21) LEAKANA OM; (22) NICHOLAS OTEY, a/k/a "Nick," a/k/a "Bonzy"; (23) RUTH RIVERA-LOPES, a/k/a "Nu-Nu"; (24) MORRIS ROBINSON, a/k/a "Mike"; (25) MARTINO RODRIGUES, a/k/a "Thoey," a/k/a "THO"; (26) VICTOR SCOTT, a/k/a "Rel," a/k/a "Little Jizz"; (27) DULSILINA TAVARES, a/k/a "Duce"; (28) CARL TAYLOR, a/k/a "D," a/k/a "Danny"; (29) O'NEIL TAYLOR, a/k/a "Chew"; and, (30) JOHN WEBBE, a/k/a "Jizz" (hereinafter collectively referred to as "the Targets"). Each of the Targets has been charged with drug and/or firearm offenses in an indictment returned in this Court on January 16, 2013.

2. I have been employed by the BPD since 1998 and am currently a Detective assigned to BPD's Special Investigations Unit ("SIU") where I have worked since 2008. SIU focuses on long-term investigations of organizations involved in drug and firearm trafficking, robberies, and other violent crime. Many of

the groups we investigate (including most of the individuals targeted in the present investigation) are associated with one or more of Boston's many street gangs. Hence, a principal objective of many SIU investigations is not merely to stop the specific activities under investigation, but to dismantle and disrupt the groups at issue and thus to reduce the gang-related violence that plagues our city.¹

3. SIU frequently employs court-approved electronic surveillance to infiltrate organizations and often partners with one of more federal law enforcement agencies. I am currently a Federal Task Force Agent with the Federal Bureau of Investigation ("FBI"). The investigation described in this affidavit was conducted jointly with the FBI, the Department of Homeland Security ("DHS"), the United States Marshal, the Massachusetts Department of Corrections, the Massachusetts State Police and several local police departments.

4. I have devoted much of my BPD career to the investigation and suppression of street gangs. In the course of my duties, I

¹ Based on my training and experience, I know that intelligence compiled by the BPD's Boston Regional Intelligence Center ("the BRIC") consistently shows that the violence plaguing the City of Boston is concentrated in Roxbury, Dorchester, and Mattapan and is being perpetrated by an exceedingly small group from those neighborhoods. Hence, this small group of individuals is adversely affecting the quality of life for everyone else who lives in these neighborhoods.

I also know from my own experience and from data developed by the BRIC that much of the violence in the city is gang-related and being perpetrated by individuals associated with area gangs. For example, statistics developed by the BRIC show that, in 2011, 53% of homicides and 55% of all shootings (fatal and non-fatal) were believed to be gang related.

have been involved in the arrest and interrogation of numerous gang associates and have participated in many investigative and community-based efforts aimed at reducing gang violence. I have spoken with and learned about gang activity and practices from other officers and have participated in meetings where gang-related intelligence is shared and discussed. I have personally debriefed self-admitted gang associates and gained valuable insight into the inner workings of Boston street gangs. I have developed confidential informants who have provided details of the practices, conflicts, and violent acts of numerous area street gangs. I have also regularly reviewed reports about gang-related arrests, talked to many victims of gang-related violence, and monitored recorded jail conversations involving gang associates and gang activity.²

II. GUN VIOLENCE IN BOSTON

5. As long as I have been a Boston Police officer, one of the most vexing law enforcement problems facing our city has been the persistence with which young Boston men in some areas shoot

² I believe that the information in this affidavit, including information set forth about the organization and activities of the Hendry Street and Woodward Avenue gangs and their associates, is reliable because, among other things, it has been provided by multiple sources or otherwise corroborated. The information set forth in this affidavit is not, however, everything that I and other law enforcement officers have learned about the Woodward Avenue and Hendry Street gangs. Substantial amounts of additional details about these groups concern ongoing investigatory matters and could not be disclosed without adversely affecting those investigations. Hence, this affidavit merely includes information I believe to be relevant to detention issues with respect to the Targets.

at each other. Since 1999, statistical data provided by the BRIC indicate that there have been an average of approximately 250 shootings per year in Boston. While I understand that many cities have higher shooting levels, this problem is one that every unit to which I have been assigned in my nearly 15-year Boston Police Department career and the Boston Police Department as a whole has been committed to reducing.

6. BPD's institutional experience, the work I have done since 1998, and work done by some of BPD's partners allow me to make several general observations about the violence in our city. The first is its geographic concentration. While no part of our city is immune from gun violence, shootings in Boston have consistently been concentrated in sections of Dorchester, Roxbury and Mattapan.

7. BPD Officers investigating gang and drug activity and the gun violence it produces also know that the individuals involved represent a small portion of our city's population. These offenders are usually young, invariably come from the same small areas of our city where the shootings occur, and are almost always already veterans of the criminal justice system with many being gang and/or drug involved.

8. In this respect, the present investigation is somewhat unusual. Although many of the gang-involved Targets fit the age profile described above (7 are under the age of 25), many do not.

In fact, a majority of the Targets are over the age of 28. However, eight of the Targets have prior federal drug trafficking convictions and were on federal supervised release during all or part of the underlying investigation which showed that many were violating the terms of their supervised release literally on a daily basis. This fact alone shows that these defendants (BENJAMIN BAPTISTA, JEREMIAH BARBOSA, JACKSON BARROS, PATRICK GOMES, HAMILTON LOPES, NICHOLAS OTEY, MARTINHO RODRIGUES, and JOHN WEBBE) should be detained.

9. The real tragedy of this criminal activity, however, is the devastating effects it has on so many law abiding residents. As local headlines all too often show, the victims of this indiscriminate "retaliatory" violence are often innocent third parties either misidentified by their assailants or simply in the wrong place at the wrong time. In 2009, for example, the 227 shootings in Boston produced 54 innocent third-party victims such as girlfriends, neighbors, and complete strangers who were believed not to be the intended targets of the shooter. Of course, these are not the only innocent victims.³ In addition to families and friends of those wounded or killed are the many witnesses to violence who may also be profoundly effected by what

³ The Targets in this investigation are no strangers to this phenomena. On December 23, 2006, the girlfriend of JONATHAN DASILVA was wounded when shots were fired into a car in which DASILVA and his girlfriend were riding.

they have seen and heard.

III. THE HENDRY STREET AND WOODWARD AVENUE GANGS

10. But this case is not just about the general problems of Boston gun violence (or the drug trafficking that often accompanies it) or the effects that gang and drug-related violence has on so many innocent Boston residents. Rather, it is about the illegal activities of the Targets in this case (many of whom are associated with two street gangs known as Hendry Street and Woodward Ave.) and the need to keep those individuals off the street pending trial to protect these neighborhoods and ensure the appearance of the Targets at trial.⁴

11. From 1998 through 2006, I worked as a patrol officer in District 11, which encompasses substantial portions of Dorchester. For much of this time, I was assigned to an anti-crime car, a plain-clothes assignment that focused on pro-active policing in gang-involved areas. In this assignment, I regularly monitored illegal activities on Hendry Street⁵ and

⁴ Some of the Targets in this case are of Cape Verdean descent and are likely to have family in Cape Verde. Intercepts received during the investigation also showed that some Targets had connections in places such as Maine, Atlanta, and California and access to large amounts of cash regularly used to purchase drugs or facilitate high-end entertainment. Still others face possible deportation of convicted of the charges brought in this case. Given all this, the defaults that pervade many of the Target's Board of Probation Records (discussed in Part VI, below), and the seriousness of the charges that have been brought, flight is also a concern.

⁵ Hendry Street is located in the heart of the Bowdoin-Geneva corridor that was recently the subject of a lengthy investigative report by the Boston Globe. The closing of 37 Hendry Street (referred to in those articles as a "known drug house") on August 27, 2012 by The Boston Inspectional Service Division and the presence of **VICTOR SCOTT** in the second floor

responded to dozens of calls and engaged in hundreds of interactions with Hendry Street Gang ("HSG") members. These interactions included responding to calls for shootings, shots fired, drug trafficking and the arrest of HSG members and others for violations of Massachusetts' firearm and drug laws. Based on these experiences, I have become familiar, not only with the HSG members by face, but also by names and nickname.

12. HSG is a established street gang that has historically operated out of Hendry Street, a dead end road that runs into Bowdoin Street and hence is in the middle of the Bowdoin-Geneva corridor. Hendry Street members have been deeply involved in area drug trafficking and gang violence for years. The house at 37 Hendry Street (where Targets **VICTOR SCOTT, JOHN WEBBE, HAMILTON LOPES, ALEXIS HIDALGO, and NICHOLAS OTEY** conducted drug deals during much of the investigation) was an address associated with so much drug activity and gun violence throughout the city that, at the direction of the Mayor's Office, BPD stationed a marked cruiser at the top of the street in an attempt to curb area crime during this investigation. As intercepted calls and surveillance made clear, the Hendry Street gang members targeted in this case continued to operate a thriving drug distribution

apartment where he and other Targets made numerous drug deals in the course of the underlying investigation was highlighted in one of those articles. See Boston Globe, "Facing the Future of the Dream of One" (December 20, 2012).

business out of 37 Hendry Street (where they also stored firearms) despite the constant police presence.

13. 37 Hendry Street was shut down in late August, 2012 for building code violations after Inspectors from the City of Boston's Inspectional Services Division ("ISD") were finally able to enter the building. Among other things, that event produced a series of intercepts as **HIDALGO** and his associates frantically sought to get their drugs and firearms out of the building. Following the closure of 37 Hendry Street, Hendry Street Targets moved to other nearby areas and much of their drug operations and activities became concentrated on Woodward Avenue.⁶ Various other addresses (such as **DULSILINA TAVARES'** and **RUTH RIVERA-LOPES'** apartments on Blue Hill Avenue) became increasingly important locations for the Targets to store, process, and sell crack cocaine and other drugs.

14. HSG has long been aligned with Woodward Avenue and, as a result, has also taken on many of Woodward Avenue's disputes with other Cape Verdean gangs such as Wendover, Draper, and Cameron Streets (all of which are located in the Bowdoin-Geneva corridor or other areas of Dorchester). Information provided by the BRIC confirms the persistent nature of the violence in the

⁶Because of this recent consolidation, the Woodward Avenue and Hendry Street Gangs will hereinafter be collectively referred to as "Woodward Avenue" or "Woodward Ave.").

Hendry Street area.⁷ See Exhibit 1 (Map reflecting 37 shootings and homicides in the area around Hendry Street since January 1, 2006) and Exhibit 2 (Map showing Hendry Street to be a city-wide hot spot during this same period).

15. In 2006, I transferred to the Youth Violence Strike Force (hereinafter, "YVSF"), which monitors gang activity city wide. While assigned to the YVSF, I monitored and continued to learn about gangs outside Dorchester, including other gangs of Cape Verdean descent such as the Woodward Avenue Gang with whom I have also regularly interacted.

16. Like their compatriots from Hendry Street, Woodward Avenue Members have a history of violence and narcotics distribution dating back to the late 1990's. Members of Woodward Avenue Gang identify themselves as "Woodward Ave.," "George St.," and "Purple City," with the latter name referencing a type of high-grade marijuana that they once sold and that was known on the street as "purple haze."⁸ At one time, members also regularly wore purple hats and hoodies to flaunt their involvement with

⁷For purposes of this affidavit, the "Hendry Street Area" refers to the area bounded by Hancock Street, Bowdoin Street, Quincy Street, and Bellvue Street.

⁸As is indicated below, members of Woodward Ave. have more recently abandoned "purple haze" in favor of an even more potent type of marijuana known as "sour" or "dour" and which they sold for amounts up to \$5200 per pound during the investigation.

Woodward Ave.⁹

17. Both Woodward Ave. and Hendry Street have long been involved in violent gang disputes with other Boston street gangs. Woodward Ave.'s principal enemies include gangs consisting of Cape Verdean males from other nearby Dorchester neighborhoods.

18. One of Woodward Ave.'s most active disputes is with a gang from Wendover St. The Woodward Ave/Wendover St. feud and a second feud between Woodward Ave. and Cameron Street (another area gang) has frequently been active gang conflicts in the city.

19. As is discussed more fully below, the investigation in this case demonstrated that the violence associated with the Woodward/Wendover dispute continues unabated. On October 23, 2012, Woodward Ave. leader **JONATHAN DASILVA** sent **PATRICK GOMES**, a/k/a "Pistol,"¹⁰ and **JOSHUA BRANDAO** to the Roxbury District Court to rescue Woodward Avenue associate **MICHAEL SCOTT** after learning that **SCOTT** had been surrounded by **ANGELO TEXEIRA** and other members of the Wendover Street Gang. **DASILVA** dispatched **GOMES** only after making sure that **GOMES** was armed and after

⁹ When the rental car being driven by **JOSHUA BRANDAO** was searched on October 23, 2012 outside Roxbury Court, items recovered from the car include (in addition to a loaded gun, marijuana, cash, three I Phones, four charges) was a purple hooded sweatshirt.

¹⁰ **GOMES**' was on Federal supervised release for a 2009 conviction for crack cocaine trafficking throughout the investigation and violated the conditions of that release on an almost daily basis while he worked for **DASILVA** and **HIDALGO**. His Street name ("Pistol") is associated with his reputation as a shooter and the fact that he sports the tattoo of a smoking handgun on his right arm. A copy of that tattoo is attached as Exhibit 3. A column written about **GOMES**' at the time of his 2007 drug prosecution is attached as Exhibit 4.

intercepted calls showed that **GOMES** was given the "green light" (believed to be permission to shoot Teixeira or his associates).¹¹ During another representative incident on December 1, 2012, Boston Police Officers responded to a shots fired call on Woodward Avenue, located ballistics outside 36 Woodward Avenue, and found six of the Targets in this case hiding inside along with two firearms. Photographs taken on Woodward Ave during the investigation show two individuals believed to be **LINO CORREIA** and **JONATHAN DASILVA** shooting at a passing SUV shortly before the report of shots fired was received. Other instances in which intercepted calls showed the propensity of individual Targets to use firearms are discussed in part V, below.

20. Based on the foregoing, it might be expected that the Woodward Avenue area would also be the focus of a large amount of reported crime resulting from the Targets' activities.¹² And of course that's the case. In 2004, neighborhoods frequented by Woodward Ave. members were designated a "Red Zone" by BPD due to the unusually high number of firearm-related incidents that

¹¹ Both **GOMES** and **BRANDAO** were arrested after arriving at the Roxbury District Court by officers with knowledge of the intercepted calls. A loaded firearm, drugs, cash, and a purple hoody were seized either from the rental car **BRANDAO** was driving or from these Targets themselves. **ALEX HIDALGO** was also on scene after he also spoke with **DASILVA**.

¹² The Woodward Avenue Area includes the area bounded by Woodward, George, Clifton, Clarence, Albion, Burrell, Marshfield, Batchelder and surrounding streets abutting Dudley Street, East Cottage Street and Norfolk Street. It is an area where many families of Cape Verdean descent have settled.

occurred in these areas.¹³ In 2006, the same areas were included as "hot spots," defined as areas that in 2006 collectively accounted for 25% of the city's fatal shootings and 40% of the city's nonfatal shootings through July 13, 2006.¹⁴ Since that time, the Woodward Avenue Area has been the site for 27 shootings and 3 murders and it experienced 14 reports for shots fired in 2012 alone. See Exhibits 5 (shooting and homicide number for the Woodward Avenue Area since 1/1/06) and Exhibit 6 (reports of shots fired in the Woodward Avenue Area in 2012 alone). The BPD has identified 36 incidents in which individuals associated with Woodward Ave or Hendry Street (including 5 of the Targets) have been shot in various locations in Boston since February 15, 2005 and 33 more incidents in which individuals associated with Woodward Ave or Hendry Street (including 3 of the Targets) have been arrested with a firearm or in a firearm-related incidents. See Exhibit 7 (shooting incidents) and Exhibit 8 (firearm-related arrests).

¹³ In announcing "Operation Redzone," the BPD reported that 10 areas of the city including less than half a square mile accounted for one-fourth of the gun-related incidents city wide.

¹⁴ Since 2006, the gun violence in the Woodward Avenue area can hardly be said to have slowed, given the map attached as Exhibit 5 showing that the area has seen 23 shootings and 3 homicides since 2006. This is of course in addition to many more incidents of shots fired, some of which are captured in the Summaries of Boston Police Reports that will be provided to the court during detention hearings in this matter.

IV. THE INVESTIGATION

21. The present investigation was initiated during the Summer of 2011 when a cooperating witness ("CW-1") came forward. CW-1 was familiar with many of the Targets and believed that he/she would be able to purchase drugs from at least some. CW-1 also provided information regarding the organization and activities of the gangs and some of the individuals involved, much of which was corroborated by informant information.

22. Based on this, we proceeded with the controlled purchase phase of our investigation. Between August 2, 2011 and October 12, 2012, CW-1 made 30 controlled buys of crack cocaine, high grade marijuana, or oxycodone from various Targets. Nearly all of the buys were recorded, many on videotape, and many were also surveilled. Many of the calls CW-1 made to set up the buys were recorded as well.

23. The following is a chart summarizing these buys and the individuals involved in each:

| <u>DATE</u> | <u>CONTACT NO.</u> | <u>BUY LOCATION</u> | <u>PURCHASE</u> | <u>PARTICIPANTS</u> |
|-------------|------------------------|----------------------------|----------------------|--------------------------------------|
| 8/2/11 | Target Telephone #5 | Clifton St. Burrell St. | 27.5 gr marijuana | J. DASILVA |
| 8/3/11 | Target Telephone #5 | Woodward Ave. | 55 gr marijuana | J. DASILVA BAPTISTA J. CORREIA |
| 8/10/11 | N/A | Woodward Ave. | 55.2 gr marijuana | DASILVA |
| 8/15/11 | 617-784-1968 | Woodward Ave. Roxbury | 6.8 gr crack | HIDALGO OTEY |

| | | | | |
|------------------------|-------------------------------------|-------------------------------|---------------------------|------------------------------------|
| 8/23/11 | 617-784-1968 | Area of Woodward Ave. Roxbury | 27.7 gr crack | HIDALGO |
| 10/5/11 | 860-574-0172 | 37 Hendry St. Dorchester | 5.9 gr crack | HIDALGO LOPES WEBBE SCOTT |
| 10/12/11 ¹⁵ | 617-784-1968 | 37 Hendry St. Dorchester | 5.9 gr crack | HIDALGO SCOTT |
| 10/25/11 | 617-407-0865 | 37 Hendry St. Dorchester | 25.9 gr crack | FIGUEROA |
| 11/1/11 | 617-407-0865 | 37 Hendry St. Dorchester | 24.8 gr crack | FIGUEROA SCOTT OTTEY |
| 11/14/11 | 617-407-0865 | 37 Hendry St. Dorchester | approx. 29 gr crack | FIGUEROA WEBBE LOPES |
| 11/25/11 | 617-407-0865 | 91 Barton St. Wellesley Hills | 27.7 gr crack | FIGUEROA |
| 12/7/11 | Target Telephone #5 | Woodward Ave. | 26.2 gr marijuana | J. DASILVA |
| 1/17/12 | 617-671-4492 | Woodward Ave. | approx. 28.6 gr marijuana | J. CORREIA |
| 1/19/12 | Target Telephone #5 617-671-4492 | 40 Langdon St. | approx. 28.5 gr marijuana | J. DASILVA J. CORREIA |
| 1/26/12 | Target Telephone #5 617-671-4492 | 40 Langdon St. | approx. 29.7 gr marijuana | J. DASILVA J. CORREIA |

¹⁵ During the course of this controlled buy the CW-1 observed a firearm on the table next to HIDALGO. CW-1 described the firearm as either a .40 or a .45 caliber pistol with wooden plates.

| | | | | |
|---------|------------------------------|-----------------------------|---------------------------------|--------------------------|
| 1/28/12 | Target Telephone #5 | 40 Langdon St. | approx. 28.5 gr marijuana | J. DASILVA |
| 2/25/12 | 617-390-4757 857-204-9771 | 37 Hendry St. Dorchester | approx. 30.9 gr crack | HIDALGO WEBBE |
| 3/3/12 | N/A | 40 Langdon St. | approx. 28.7 gr marijuana | J. CORREIA BARBOSA |
| 3/15/12 | 617-671-4492 | 40 Langdon St. | approx. 27.9 gr marijuana | J. CORREIA A. DASILVA |
| 3/28/12 | 617-904-8462 857-991-5243 | Woodward Ave. | approx. 28.5 gr marijuana | I. CORREIA ALVES |
| 3/29/12 | 617-671-4492 | Woodward Ave. | approx. 28.3 gr marijuana | J. CORREIA BARBOSA |
| 4/4/12 | 617-671-4492 | Woodward Ave. | approx. 28.5 gr marijuana | J. CORREIA |
| 4/6/12 | Target Telephone #1 | 37 Hendry St. | approx. 28 gr crack | HIDALGO |
| 5/3/12 | Target Telephone #1 | 37 Hendry St. | approx. 28 gr crack | HIDALGO |
| 6/27/12 | Target Telephone #1 | 37 Hendry St. | approx. 28 gr Crack | HIDALGO SCOTT |
| 7/28/12 | Target Telephone #2 | 225 Blue Hill Ave. | approx. 56 gr crack | HIDALGO |
| 8/31/12 | Target Telephone #3 | 225 Blue Hill Ave. | approx. 56 gr crack | HIDALGO |

| | | | | |
|----------|------------------------|---------------|--------------------------|---------------------------|
| 9/30/12 | 617-794-7032 | Saxon Street | approx. 7 gr crack | BRANDAO WEBBE SCOTT |
| 10/5/12 | Target Telephone #5 | Woodward Ave. | 50 oxycodone | J. DASILVA |
| 10/10/12 | Target Telephone #4 | Woodward Ave. | 100 oxycodone | J. DASILVA |

24. These controlled purchases corroborated much of what CW-1 told us at the outset of the investigation. CW-1 was able to make drug purchases pretty much on request and was only rarely unable to set up buys as part of initial calls. In many instances, CW-1 was also advised that he/she could make the purchase immediately, thus confirming the persistent nature of the Target's trafficking and their maintenance of crack and marijuana inventories on Hendry Street, on Woodward Avenue, and at other locations.

25. The controlled purchase phase of the investigation also began to reveal the interrelationship between the Target and more particularly, the partnership between **HIDALGO** and **DASILVA** and their supervision of other Targets to carry out their orders. For example, when CW-1 originally asked **DASILVA** for crack cocaine, **DASILVA** helped arrange a deal that CW-1 did directly with **HIDALGO** and **NICHOLAS OTEY**. Throughout the investigation, CW-1 would frequently call one of the Targets to place a drug order, only to be told to meet another Target to get the drugs and pay for them. Indeed, on some of the deals, three or four of

the Targets might be involved or present when the deal was done.

26. Although the controlled buys were important in establishing that Woodward/Hendry members were regularly engaged in drug trafficking, they did not permit us to fully understand either the scope of the operations or the manner in which they were doing their business. Accordingly, beginning on August 8, 2012, the Court (Saris, J.) authorized the first of a series of wiretap orders on phones being used by **ALEXIS HIDALGO** and **JONATHAN DASILVA**.

27. The wiretap evidence collected pursuant to these orders has been a crucial component of this investigation. The intercepts made since last August have allowed myself and the other investigators to observe how the Hendry Street and Woodward Avenue gangs truly operate as a single entity. Among other things, it has confirmed the that many of individuals who participated in the controlled purchases made by CW-1 repeatedly made similar sales, with many operating almost on a daily basis. It allowed us to identify additional individuals working for **HIDALGO** and **DASILVA** and to identify locations where drugs and drug proceeds were processed, stored and distributed. It also enabled us to identify some of **HIDALGO** and **DASILVA's** sources of supply and to better understand how drugs were brought to and stored in Massachusetts and identify at least some of the group's many customers. It also gave us a much better sense on the

amount of drugs that **HIDALGO** and **DASILVA** were handling, the amounts of money that these operations produced, and how **HIDALGO** and **DASILVA** pooled resources to repeatedly purchase kilos of cocaine, thousands of oxycodone pills, and hundreds of pounds of marijuana.

28. While these and the many other things we learned through intercepted calls and text messages will surely be important in proving the Targets' guilt and the full extent of their crimes, the wiretap information in this case is also important because it showed that the Targets were ready, willing, and able to use firearm and firearm violence to further their varied interests, whether in furtherance of ongoing gang disputes or personal beefs.

29. Some of these incidents have already been discussed. They include the October 23 Incident at Roxbury District Court, the November 12, 2012 call where **HIDALGO** called **VICTOR SCOTT** and instructed him to bring a gun to the Burger King on Dorchester Avenue and the December 1, 2012 shots fired report at 36 Woodward Avenue. While others may or may not be more illuminating with respect to the full extent of the Targets' crime, they provide additional evidence that the government's motion for detention should be allowed.

30. A more recent example of the Targets' access to and use of firearms took place on January 10, 2013. On that date,

HIDALGO was at a barber shop located on Washington Street and began making outgoing calls. He first called **FIGUEROA**, told him to call **MIKE SCOTT** and ordered **FIGUEROA** to bring a firearm (described in the call as a "ratchet") to the barber shop. **FIGUEROA** initially said he didn't have one but then called back to say he was on the way over with an unnamed individual named "pistol" (who was not **PATRICK GOMES**).

31. **HIDALGO** then called **DASILVA** and, after determining that **DASILVA** was in "the hood," told **DASILVA** that he needed to drop off "a ratchet at the barber shop," and said that he **HIDALGO** needed it "ASAP, cause these nigga's [rival gang members] just surrounded this joint." **DASILVA** subsequently returned the call and **HIDALGO** told **DASILVA** that he (**HIDALGO**) was in front of Dorchester Court, and directed **DASILVA** to "pull up and he'd grab it." **DASILVA** subsequently called **HIDALGO** back, frantic, because the "D-boys" (police) were behind him and he thought he was going to be "pinched." **HIDALGO** then directed **FIGUEROA** to grab that "thing" from **DASILVA**. **FIGUEROA** said that he had "Pistol" outside and "Pistol" also had a "thing" on him but that he (**FIGUEROA**) had to go pick up his daughter.

32. After hearing these calls, we directed marked units to go into the area and, in response, **HIDALGO** walked out of the barber shop and was believed to have left the area with **FIGUEROA**,

leaving his own car behind.

32. Later that same day, **HIDALGO** had another call with **MIKE SCOTT** looking into the whereabouts of other firearms so that he could supply them to third parties. **SCOTT** told **HIDALGO** that "Jerry" (**JERRY CORREIA**) had one gun and that another was "down the street" (likely 46 Woodward Ave. where **ILTON CORREIA** lives). In yet another call that day, **HIDALGO** spoke to **MOISES FIGUEROA** and indicated he was giving two "rachets" to some unnamed "niggas" who claimed they didn't have any guns.

V. THE TARGETS

33. The investigation conducted in this case confirmed many of the premises on which it was initiated. **ALEXIS HIDALGO** and **JONATHAN DASILVA** head up a drug conspiracy that is responsible for the distribution of kilos of crack cocaine, hundreds of pounds of marijuana, and thousands of oxycodone pills throughout the greater Boston area. The conspiracy obtains its drugs from as far away as California and was shown to have drug-related contacts from Maine to Miami as well. The business generates revenues sufficient to permit **HIDALGO** and **DASILVA** to take extravagant trips in which money was indiscriminately spent on exotic automobiles, luxury hotels and high-end entertainment. The full financial dealings of these men is not yet fully understood but will be the subject of ongoing investigative efforts.

34. The investigation also confirmed the clear connection between the drug trafficking needed to generate money and the operation of the Woodward Avenue and Hendry Street gangs which, since the closure of 37 Hendry Street by the ISD, appear to have consolidated their operations on Woodward Avenue while they continue to use other locations to store, process, and package drugs and drug proceeds using many members of the consolidated group. Of the 30 Targets indicted in this case, 23 have been identified as members of the Woodward Avenue or Hendry Street gangs who have longstanding criminal histories that include prior firearms offenses and crimes of violence, some of which can be directly related to historic gang feuds.¹⁶

35. The investigation also confirmed that firearm possession and use is simply a part of life for many of the Targets in this case. When MIKE SCOTT sought help from **JONATHAN DASILVA** from the Roxbury District Court on October 23, 2012, **DASILVA** had two of his subordinates, **JOSHUA BRANDAO** and **PATRICK**

¹⁶The Targets who are not believed to have Woodward or Hendry Street Gang Connections include: (1) **HAZWA AWIL**, a substantial crack cocaine customer who currently lives in Maine; (2) **MAURICE BENNET**, a California source for marijuana; (3) **JULIO COLLAZOS**, a cocaine source for the conspiracy who also purchased marijuana from **HIDALGO** and **DASILVA**; (4) **JOSE DENIS**, a customer of **HILDAGO's** who made frequent purchases of crack cocaine; (5) **CARLOS FERNANDES**, an oxycodone and marijuana customer of **DASILVA**; (6) **LEKANA OM**, who stored and made deliveries of marijuana for **DASILVA**; (7) **RUTH RIVERA-LOPES**, the girlfriend of **NICHOLAS OTEY**; and **HIDALGO's** girlfriend **DULSILINA TAVARES**.

GOMES, a/k/a "Pistol," at the Roxbury Courthouse armed with both a loaded 9 millimeter handgun and DASILVA's permission to use it. When ISD closed down 37 Hendry Street in October, 2012, the concern of the day was not the effect that would have on the group's drug operations (indeed, it had none as new locations to support ongoing drug operations were promptly located), but rather how and by who the firearms stored at that location could be moved given the constant police presence in the area. Numerous other references to the use and availability of firearms regularly appeared on intercepted calls and is confirmed in both the Targets' Board of Probation Records and their historic BPD Incident Reports. If nothing else, it is hoped that this investigation will serve as a warning to other groups involved in similar activity to give this neighborhood back to the hundreds of law abiding residents who have no involvement with the Targets but have had to live with the effects of their crimes for years.

36. As set forth above, 31 Targets have been charged in Federal Court with drug or firearm offenses. The 23 identified gang members have collectively amassed 853 arraignments to date in state and federal court.²¹ In turn, these arraignments have

²¹The criminal histories were obtained in the course of the investigation. Targets may have collected additional arrests since the records were printed or they may have resolved some cases. Arraignments and convictions (including diversionary dispositions based on an admissions to sufficient facts) reflect the total number of charges each of the Targets have acquired in the adult and juvenile entries.

produced nearly 275 convictions including 73 convictions for drug possession or drug trafficking and 57 convictions for firearm/ammunition offenses or identified crimes of violence. Thirteen of these 23 defendants are also currently on some form of probation or have open cases in state court. The criminal records of the Targets and other individualized information that may be relevant to detention decisions are described below and will be supplemented at individual detention hearings.

37. As extensive as the investigation to date has been, it is only the beginning. Law enforcement will continue to target crime associated with Woodward Avenue and Hendry Street until their members realize that their behavior will only result in lengthy prison sentences, with many Targets facing incarceration for much of their adult lives.

38. **ALEXIS HIDALGO** , a/k/a "P", a/k/a "Papi-T," a/k/a "Papi-Thing," a/k/a, "Light," a/k/a "Frank" (1) was a leader of the Hendry Street Gang and, together with **JONATHAN DASILVA**, runs the charged drug conspiracy. In the controlled purchase phase of the investigation, **HIDALGO** made 9 recorded, controlled sales totaling more than 250 grams of crack cocaine, either on his own or, in at least two instances, at the behest of **JONATHAN DASILVA** (who falsely professed that he only sells marijuana). Numerous other controlled sales were made by others (including **NICHOLAS OTEY**, **HAMILTON LOPES**, and **VICTOR SCOTT**) at **HIDALGO's** direction.

In all, the government asserts that **HIDALGO** is responsible for more than 280 grams of cocaine base based on the sales he directly made or caused others to make during the controlled purchase phase of the investigation alone. A photograph of **HIDALGO** taken after he took the money for crack cocaine on August 23, 2011 is attached as Exhibit 9.

39. Of course, calls intercepted during the wiretap phase of the investigation showed that these sales were merely the tip of the iceberg given the breath and persistence of **HIDALGO's** drug trafficking, his close connection with **JONATHAN DASILVA**, and their use of many of the other Targets to orchestrate the daily distribution of marijuana, crack cocaine, and oxycodone. Intercepted calls confirmed that **HIDALGO** was responsible for sales of crack cocaine and marijuana on almost a daily basis, that he pooled money with **JONATHAN DASILVA** to purchase cocaine and marijuana, and was regularly involved in directing other Targets to pick up and store drugs, prepare crack cocaine, make deliveries, and collect money on his and **DASILVA's** behalf.

40. Telephone calls and text messages intercepted during the investigation also highlighted both the extent of **HIDALGO's** drug trafficking and the position of leadership he held in the charged drug conspiracy.

41. **ALEX HIDALGO's** criminal history dates back to 1996, when he was 15 years old and **HIDALGO** has remained under some form of

judicial supervision for most of his adult life. He was first convicted as an adult in Suffolk Superior Court on charges of Robbery, Assault and Battery with a Dangerous Weapon (2 counts), Assault with a Dangerous Weapon, Possession of a Firearm and Ammunition, and 3 counts of Discharging a Firearm Within 500 Feet of a Building in 1998 at the age of 17. He was initially incarcerated for 21 months on these offenses but violated probation after his initial release and was sent back to prison in 2000 to serve an additional 2.5-3.5 years. **HIDALGO** was also convicted of possessing cocaine with intent to distribute in 2001 (sentenced to 3 years to 3 years and a day), possessing marijuana (twice), assault and battery on a public employee, and a litany of property and motor vehicle offenses. In all, **HIDALGO's** Board of Probation records reflect that he has 25 adult convictions and has been has been incarcerated six times.

42. **HIDALGO** has also ignored criminal justice obligations throughout his adult life. His Board of Probation records reflect over a dozen defaults, multiple probation violations, and that he was on Probation for much of the time during the underlying investigations when, as is demonstrated herein, he was regularly selling crack cocaine, marijuana and running the charged drug conspiracy.

43. **JONATHAN DASILVA**, a/k/a "Jon-Jon," a/k/a "The Don," a/k/a "Jerk," a/k/a "Jerky." a/k/a "The Boss," (2) is the leader

of Woodward Ave. and ran the charged drug conspiracy with **ALEXIS HIDALGO**.²² **DASILVA** made seven sales of high grade marijuana (which was referred to by members of the conspiracy as "sour" or "dour" and which **DASILVA** and **HIDALGO** sold for \$5000 per pound or more) and two sales of oxycodone during the controlled purchase phase of the investigation either individually or in concert with other Targets. Although **DASILVA** claimed in an recorded call that he did not sell crack cocaine, he arranged for CW-1 to make crack cocaine buys from **HIDALGO** and was repeatedly involved in the decision to purchase cocaine for sale by **HIDALGO** and other co-conspirators which would then be cooked into crack. Photographs of **DASILVA** taken during a controlled sale he made on August 23, 2011 are attached as Exhibit 10.

44. Intercepted calls confirm the leadership role that **DASILVA** occupied in the charged conspiracy throughout the investigation and his intimate involvement in gang-related violence involving Woodward Avenue and its members. During the wiretap phase, **DASILVA** was intercepted directing **JOHN ALVES**, **ILTON CORREIA**, **LINO CORREIA**, **JEREMIA BARBOSA**, and others to conduct street-level marijuana deals for him while directing

²² **JONATHAN DASILVA**'s cousin **ALEX** has also been charged in this case. For ease of reference, references to **JONATHAN** shall simply be "**DASILVA**" while his cousin shall be referred to as "**ALEX DASILVA**."

MICHAEL BEAL to make still more deals and to operate a stash house (one of several used by conspiracy members during the investigations) at 36 Woodward Avenue. **DASILVA** also used various females, including **LEAKANA OM**, to transport and store pounds of high-grade marijuana at other locations. **DASILVA** (and **HIDALGO**) used **JOSHUA BRANDAO** to oversee delivery of payments for shipments of high-grade marijuana to **MAURICE BARNETT**, their California source of supply. **DASILVA** directed the collection and storage of other drug proceeds using **JERRY CORREIA** and various family members who would bring large quantities of cash from the family home located at 40 Langdon Street in Roxbury and other locations.

45. On October 23, 2012, **DASILVA** was contacted by Tiffany Scott, the brother of fellow Woodward Avenue member **MICHAEL SCOTT**. Tiffany advised **DASILVA** that her brother had been cornered at the Roxbury District Court (where he was being arraigned on shooting charges) by **ANGELO TEXEIRA** and other rivals from the Wendover Street Gang. After learning that his associate **MIKE SCOTT** was in trouble, **DASILVA** said simply, "Say no more."

46. **DASILVA** immediately called **JOSHUA BRANDAO** and directed him to pick up **PATRICK GOMES**, a/k/a "Pistol," and get **MICHAEL SCOTT** out of the courthouse. **DASILVA** then called **GOMES** to advise him of what was happening, to tell him that **BRANDAO** was on the way to pick him, and advise **GOMES** where could find the "hammers"

(the firearms) he would need to take care of the situation. In subsequent calls, **DASILVA** made it clear to **GOMES** that he had "the green light" (i.e, permission to use the gun) and consulted with **HIDALGO** to advise him that **GOMES** was on Woodward Avenue picking up a gun before heading over to Roxbury to assist **MICHAEL SCOTT**.

47. Faced with these intercepts, BPD Officers immediately went to the Roxbury Courthouse to intercede before any violence occurred. They immediately located **GOMES** with **MICHAEL SCOTT** outside the Roxbury Courthouse engaged in an animated conversation. As **GOMES** separated from **SCOTT** to return to **BRANDAO** (waiting in a nearby rental car) the officers noted that **GOMES** made an adjustment to his waist and then held on to his right side as he jogged back to the car (both indicators of someone with a firearm tucked into his waistband). Once **GOMES** got into the car, Officers immediately approached and located a loaded nine millimeter handgun in the glove box adjacent to the front passenger seat where **GOMES** had been sitting. Both **GOMES** and **BRANDAO** were immediately placed under arrest and charged with firearm and drug violations based on the gun and marijuana found inside the car, all as shown in the photographs attached as Exhibit 11.²³

²³ Other items seized from the rental car that **BRANDAO** was driving included four cellular telephones, two medium sized plastic bags of marijuana, a purple hooded sweatshirt, and \$183 in cash. At booking, **GOMES** was found to be in possession of \$456

48. **DASILVA** soon got word of the arrest from **HIDALGO** in another intercepted phone call. Unaware, of course, that his calls were being monitored by the police, **DASILVA** assumed that **GOMES** and **BRANDAO** had been set up by his Wendover Street rivals and noted that **BRANDAO** (who's adult criminal record is minimal due to his age) would have to "eat" the gun (that is, take responsibility for it even though the calls and on scene observations made it clear that **GOMES** had been ordered to pick up the gun and was carrying it outside the courthouse as he met with **SCOTT**). That is exactly what **BRANDAO** (who was in constructive or joint possession of the gun but was not the one who had stuffed it in his waistband outside the courthouse) subsequently did.

49. **DASILVA** has been connected to firearms at other times as well. **DASILVA** brought **JACKSON BARROS** to the hospital during a 2001 incident after **BARROS** was shot in the chest by unknown assailants. When police went to 121 George Street the next year in response to information that **DASILVA** and his brother **BERNARDO** were armed, **DASILVA** fled and discarded an object in an area in which a firearm was subsequently found. **DASILVA** himself was shot in 2006 when unknown assailants fired at a car he was driving, wounding him and his girlfriend. When BPD Officers obtained a search warrant for the **DASILVA**'s residence in 2007, they seized 4

and a percocet pill.

firearms from the basement. And when BPD Officers responded to a call for shots fired at 36 Woodward Avenue on December 1, 2012, they found **DASILVA**, **JOHN WEBBE**, **JACKSON BARROS**, **LINO CORREIA**, and others hiding inside and seized two firearms from a couch.

50. **DASILVA** has convictions for possession of burglarious tools, larceny over \$250, Breaking and Entering at Night with Intent to Commit a Felony, and Knowingly Receiving a Stolen Motor Vehicle (2002); possession of a Class D (marijuana) controlled substance (twice in 2007); and possession of marijuana with intent to distribute (in 2008). As part of his probation in this latter case, he was required to stay out of Massachusetts for 2 years and is believed to have relocated to Atlanta, Georgia and Connecticut. His record also reflects 9 defaults, 4 probation violations, and that he has committed new offenses while out on pretrial release.

51. **DASILVA** has also been associated with large amounts of money despite the absence of any known legitimate occupation. Most recently, officers approached **DASILVA** outside the **DASILVA** family home on Langdon Street and noted that, as he saw them approach, **DASILVA** discarded a paper bag found to contain \$18,800 and to which a trained narcotics dog subsequently reacted. During the course of the investigation, **DASILVA** and **HIDALGO** took trips to Atlanta in which they stayed at luxury hotels, spent more than \$5,000 each to rent luxury sports cars, and purchased a

\$10,000 table at a Black Entertainer's awards dinner.

52. **JOHN ALVES** a/k/a "Polk," a/k/a "Purdue," (3) was first identified from informant information as one of the primary marijuana traffickers on Woodward Avenue and another identified member of the Woodward Avenue Gang. Following **JONATHAN DASILVA'S** return from Atlanta in early 2011 (after his state court probation was terminated), CW-1 confirmed **ALVES'** role as a principal dealer working for **DASILVA** on the marijuana side of the conspiracy. CW-1 made one controlled buy of high-grade marijuana from **ALVES** and intercepted phone calls showed him to be regularly working with **HIDALGO** and **DASILVA** in picking up, packaging, and distributing drugs, and collecting money for their marijuana operations. **ALVES** has a limited criminal record which includes a conviction for possession of marijuana with intent to distribute and an earlier marijuana possession case.

53. **HAMZA AWIL** (4) is a former resident of Roxbury who is now believed to reside in Westbrook, Maine. During the wiretap phase of the investigation, **AWIL** was regularly intercepted coming to Boston to purchase multiple ounces of crack cocaine from **HIDALGO**. On October 18, 2012, for example, **AWIL** was intercepted purchasing 5 ounces of crack cocaine and 1 ounce of "grease" (believed to be a reference to the by-product created when cocaine is cooked down into crack cocaine). On October 30, 2012, **AWIL** was intercepted as he again traveled to Massachusetts

and purchased 4 four additional ounces of crack cocaine from **HIDALGO**.

54. On September 24, 2012, the Massachusetts State Police were requested to stop **AWIL** as he traveled on Route 1 in Lynnfield, Massachusetts after other intercepts showed that he had purchased four additional ounces of crack cocaine from **HIDALGO**. When officers attempted to pull **AWIL's** car over, **AWIL** fled into nearby woods where he evaded the police. **AWIL** was located in a residential neighborhood hours later wearing only his underwear and a shirt notwithstanding temperatures approaching 40 degrees. No drugs or other contraband were seized from **AWIL** or the car that he abandoned.

55. **BENJAMIN BAPTISTA**, a/k/a "BJ", a/k/a "JAZZO," (5) was also identified at the outset of the investigation as a close associate of both **DASILVA** and **HIDALGO** and is a well known Hendry Street Gang member. During the controlled purchase phase of the investigation, **BAPTISTA** made one controlled sale of 55 grams of high grade marijuana. Evidence gathered during the wiretap portion of the investigation demonstrated that **BAPTISTA** was frequently with **DASILVA** and was a person **HIDALGO** would contact when **HIDALGO** was looking for **DASILVA**. **BAPTISTA** was used to transport pounds of marijuana and store drug proceeds for **HIDALGO** and **DASILVA**. Additionally, **HIDALGO** often used **BAPTISTA** to sell

marijuana to street-level drug dealers on **HIDALGO**'s behalf.

56. **BAPTISTA** was convicted of federal drug trafficking crimes in 2004 and initially sentenced to 78 months in prison.²⁴ His sentence was thereafter reduced to 60 months and **BAPTISTA** was released from prison to begin a six-year period of supervised release in November, 2008. **BAPTISTA** has thus been under the supervision of this Court throughout the entire period of the investigation.

57. **BAPTISTA** was cited for violating his supervised release on three subsequent occasions. In 2010, he agreed to a 60-day curfew to resolve violations involving his arrest following a fight in a Lawrence nightclub and his association with known felons. In 2011, Probation reported additional violations to the Court involving **BAPTISTA**'s failure to report law enforcement contacts and his use of a rental car without authority. Probation did not request that the Court impose any additional sanctions on **BAPTISTA** at that time. However, on November 1, 2012, Probation reported a third set of supervised release violations, this time involving **BAPTISTA**'s impermissible association with **LINO CORREIA** and **ALEXIS HIDALGO**, and his failure to report that he was questioned by Boston Police following an October 19, 2012 report of shots fired at 46 Woodward Avenue. On

²⁴ **BAPTISTA**'s co-defendant in that case was **JEREMIAH BARBOSA**.

November 5, 2012, **BAPTISTA** was ordered to spend 60 days at a Community Corrections Facility to resolve these violations without a hearing.

58. **JEREMIAH BARBOSA**, a/k/a "DeDe," (6) was also identified by CW-1 as a close associate of **HIDALGO**. Although **BARBOSA** comes from Woodward Avenue and is an identified member of the Woodward Avenue Gang, **BARBOSA** accompanied **HIDALGO** during two of the crack cocaine sales made to CW-1, one of which took place on Hendry Street. **BARBOSA** also accompanied co-conspirator **JERRY CORREIA** when he made marijuana deliveries to CW-1 on two deals that had been set up with **DASILVA** and took place at **DASILVA's** residence and was with **DASILVA** when **DASILVA** made one delivery of oxycodone to CW-1. Intercepted calls showed that **BARBOSA** continued to work for both **DASILVA** and **HIDALGO** throughout the investigation obtaining marijuana and then storing and selling it out of 35 Woodward Avenue.

59. **BARBOSA** was indicted on federal drug charges with **BENJAMIN BAPTISTA** in May, 2003, pled guilty to those charges the following year, and was ultimately sentenced to 60 months in prison. Since completing his jail sentence and beginning a 6-year term of supervised release, **BARBOSA** has also repeatedly violated his supervised release conditions. In November, 2009, **BARBOSA** was ordered to participate in a program for substance abuse, 4 months in home confinement and to spend three months at

a Community Corrections Facility after he admitted certain violations. In 2010, he was again found to be in violation of his supervised release and this time was incarcerated for 9 months with 24 months of supervised release to follow. **JEREMIAH BARBOSA** was therefore also on federal supervised release throughout the period of this investigation.

60. On October 22, 2008, **BARBOSA** was shot outside an after hours club located at 115 Bird Street while in the company of **ILTON CORREIA**. The shooting took place approximately six months after **BARBOSA** was stopped in a car with **JONATHAN DASILVA** and **VICTOR ARRINGTON** and from which the police seized marijuana that **ARRINGTON** claimed was his and which he described as "Haze." On December 16, 2012, **BARBOSA** was shot again (six times), this time while in the company of **ALEXIS HIDALGO** while leaving the Chow-Chow Restaurant after downtown clubs had closed.

61. **MAURICE BARNETT**, a/k/a "Cali," (7) is a resident of Marina, California. He was initially identified only by the name "CALI" during intercepted calls made in connection with marijuana supplies being obtained by **HIDALGO** and **DASILVA** from their California marijuana supplier. As the investigation progressed, agents were able to identify **BARNETT** through analysis of telephone records and domestic airline records when **BARNETT** made one of approximately six trips to Boston to make deliveries of high grade marijuana and collect the huge amounts of money that

those deliveries generated.

62. Evidence gathered during the wiretaps demonstrated that **BARNETT** organized truck loads of high-grade marijuana, referred to as "sour" or "dour," to be shipped to the Chicopee, Massachusetts area where it was picked up by **DASILVA** and **HIDALGO**. On approximately six occasions, **BARNETT** flew into the Boston area and met with **DASILVA** and **HIDALGO** including a meeting that took place at a Malden, Massachusetts stash house. Investigators have followed **DASILVA** and **BARNETT** from their Malden stash house to a Bank of America Bank branch in Boston following the inspection of one of the loads.²⁵

63. In addition, **HIDALGO** and **DASILVA** have used **BRANDAO** to deliver payment for marijuana to **BARNETT** on at least one occasion. According to a recently identified informant, **BARNETT** flies out of Hartford with the payments. **HIDALGO** has also driven payment for a marijuana purchase from Boston to **BARNETT's** brother's home in Hartford, Connecticut with **RIVERA-LOPES**. Investigators were able to record **HIDALGO** enter the residence with a bag following the interception of numerous phone calls organizing the payment and trip.

64. **DASILVA** and **HIDALGO** have been intercepted discussing

²⁵ Investigators believe they have identified a Bank of America account used by **BARNETT** to transfer drug proceeds and are in the process of obtaining records.

the fact that they have been paying **BARNETT** \$100,000 per month for a year and contemplated doubling their order (to \$200,000 per month). **DASILVA** and **HIDALGO** sell pounds of "sour" for \$4,800 - \$5,200 per pound and \$350 per ounce. Investigators have collected numerous airline records showing approximately six trips that **BARNETT** has made to Boston during the course of the investigation.

65. **JACKSON BARROS**, a/k/a "Jab," a/k/a "Frost," a/k/a "Jack Frost," (8) was initially identified as an associate of both **HIDALGO** and **DASILVA** involved in both crack and marijuana distribution. It was subsequently determined that **BARROS** went to Atlanta in connection with a probation violation (which, as set forth above, had previously been **DASILVA's** base of operations and the place to which **DASILVA** and/or **HIDALGO** made several opulent trips during the investigation) before returning to Boston in the Fall of 2011.²⁶ Intercepted calls showed that **BARROS** was involved in trafficking marijuana for **DASILVA** and was also involved in the distribution of a potent form of ecstasy known on the street as "molly's." More recent intercepts showed **BARROS** attempting to provide **HIDALGO** with kilos of cocaine at more competitive prices

²⁶ As discussed elsewhere, **HIDALGO** and **DASILVA** spent in excess of \$5000 on luxury car rentals each during one of these trips and on another spent at least \$10,000 for a table at a Black Entertainers Awards dinner held in Atlanta.

than **DASILVA** and **HIDALGO** were then paying. **BARROS** is also an identified member of the Woodward Avenue Gang.

66. **BARROS** has a lengthy criminal history that goes back to 1998. In 2003, he was convicted of 4 counts of distribution of crack cocaine in this court and sentenced to 70 months in prison. Although that sentence was reduced in 2008 to time served following retroactive changes to the crack cocaine sentencing guidelines, **BARROS** was soon back behind bars as a result of violations of his supervised release. Most recently (on December 1, 2012), **BARROS** was found in violation of his supervised release and incarcerated for 6 months with 24 months of supervised release to follow. Hence, **BARROS** was also under the supervision of this Court throughout the entire investigation.

67. Prior to his federal drug convictions, **BARROS** was convicted in state court of Possession of Burglarious Tools and Knowingly Receiving Stolen Property (1998), and Breaking and Entering in the nighttime, Larceny from a Building, and Larceny Over \$250 (1999). He has been under continuous judicial supervision for nearly 15 years and will face additional supervised release violations in connection with this case.

68. **MICHAEL BEAL**, a/k/a "DRED," (9) is another Woodward Avenue Gang associate who lived in the immediate area throughout the investigation and has ties to both **DASILVA** and **HIDALGO**. **BEAL** was identified as a runner for both men at the outset of the

investigation. This was confirmed by intercepted calls that showed **BEAL** taking orders from both **DASILVA** (and to a lesser extent **HIDALGO**) for customers coming through Woodward Avenue and then making deliveries to those customers when they arrived. Surveillance has captured **BEAL** serving numerous customers who come to 36 Woodward Avenue to purchase drugs.

69. **BEAL** has no convictions on his Board of Probation records. Those records do, indicate, however, that he has had 8 209A orders entered against him since 2004 by 5 separate women and his own father. **BEAL** has been arraigned on what appear to be domestic-related charges on four occasions only to have those charges dismissed.

70. I am advised by DHS that **BEAL** is a Jamaican citizen who is a Lawful Permanent Resident of the United States and thus who could be deported were he to be convicted in this case. I have also been advised by the DHS that **BEAL** traveled to Jamaica in 2010.

71. **JOSHUA BRANDAO (10)** is another identified Woodward Avenue member closely associated with **DASILVA** and **HIDALGO**. During the controlled purchase phase of the investigation, CW-1 made one crack cocaine buy from **WEBBE** and **VICTOR SCOTT** that was set up by **BRANDAO**. Both **HIDALGO** and **DASILVA** used **BRANDAO** to conduct marijuana (and at least one cocaine) transactions and to collect money from drug customers on both of their behalf.

BRANDAO was also the person who rented the apartment at 252 Kennedy Drive in Malden that was subsequently used to store drugs and cash.

72. Following the closure of 37 Hendry Street in August, 2012, intercepted calls established that **BRANDAO** was storing guns for **HIDALGO** at **BRANDAO's** Roxbury residence. It is not clear whether the gun obtained by **BRANDAO** and **GOMES** on October 12, 2012, came from this address or from Woodward Avenue. It is clear, however, that **BRANDAO** had been instructed to and in fact did (falsely) take sole responsibility for the gun that **DASILVA** directed **GOMES** to bring to the Roxbury District Court on October 23, 2012 and which we believe was to be used to shoot **ANGELO TEXEIRA** or some of his fellow Wendover Associates.

73. **JOSHUA BRANDAO** was charged with state gun and drug violations as a result of the October 23 incident at Roxbury District Court. He was also placed on Probation on December 12, 2012 in Lowell District Court for Breaking and Entering in the Nighttime With the Intent to Commit a Felony and Larceny Over \$250. In 2009, the door to **BRANDAO's** residence was smashed by a male with a gun and, after identifying the male to the police, **BRANDAO** became uncooperative.

74. Evidence gathered during the wiretap demonstrated that **JULIO COLLAZOS, a/k/a "H," (11)** sold kilograms of cocaine to **HIDALGO** for \$42,000-\$43,000 per kilogram. **HIDALGO** has supplied

COLLAZOS with marijuana through **DASILVA** and **J. CORREIA** and also discussed the sale of oxycodone pills at \$17 per pill from **HIDALGO**.

75. In 1997, **COLLAZOS** was convicted of Second Degree Murder and sentenced to life in prison. That conviction was subsequently set aside, and **COLLAZOS** thereafter pled guilty to Involuntary Manslaughter and was sentenced to 10-15 years in prison.

76. **COLLAZOS** also had a serious juvenile record that included convictions under the Youthful Offender act in 1997 for Armed Robbery, Assault with a Dangerous Weapon and Assault and Battery. He received 3-5 year sentences in state prison in connection with that case.

77. **COLLAZOS** is now out of prison and presently has an open drug case in South Boston District Court.

78. **ILTON CORREIA**, a/k/a "Gay Guy," a/k/a "Ilt," (12) was also identified at the outset of the investigation as a Woodward Avenue member with close ties to both **HIDALGO** and **DASILVA**.

ILTON CORREIA made one controlled marijuana delivery with **JOHN ALVES** and directed CW-1 to contact **ALVES** to make another controlled purchase of marijuana as well.

79. Intercepted calls show that **ILTON CORREIA** actively distributed pound quantities of high-grade marijuana at the direction of **DASILVA**, who **ILTON CORREIA** was heard to refer to as

"the Boss." **ILTON CORREIA** accepted marijuana from **MICHAEL BEAL**.

80. **ILTON CORREIA** was shot on September 28, 2005 while on Burrell Street and again on June 29, 2009 in the same area while in the company of **BERNARDO DASILVA**. When approached by the police as to what had happened in 2005, **CORREIA** told them, "I DON'T KNOW ANYTHING, I DIDN'T SEE ANYTHING." When approached after the 2009 shooting, **CORREIA** was similarly unable to provide any information about the people who shot him or the car they drove.

81. **ILTON CORREIA** was involved in another shots fired incident on December 26, 2006 when he was in a car driven by **JOVANI BARBOSA** that was shot at in the area of Blue Hill Avenue and Devon Street. When police responded for another call for shots fired several months later at 121 George Street, they found **JONATHAN DASILVA** inside the nearby **DASILVA** family home on Langdon Street and then found **ILTON CORREIA** and others hiding in the basement. The very next day, four firearms were seized from the same basement pursuant to a state court issued search warrant.

82. **ILTON CORREIA** was first arraigned in state court as a 15-year old juvenile. Since that time, he has been convicted of 9 crimes including Possession of Cocaine and Marijuana With Intent to Distribute (2005), Possession of Marijuana With Intent to Distribute (2009), and Possession of Marijuana With Intent to Distribute (2011). **CORREIA** was on state court probation during

the investigation on both drug and assault and battery charges and is presently on pretrial release for another drug offense as well. **CORREIA's** Massachusetts Board of Probation records reflect that he has violated probation 10 times and that he has more than a dozen defaults.

83. **JERRY CORREIA (13)** is another identified member of the Woodward Avenue Gang and is the brother of **ILTON** and **LINO CORREIA**. During the controlled purchase phase of the investigation, CW-1 made eight purchases of marijuana that were either made by or otherwise involved **JERRY CORREIA**. All of these buys originated from the **DASILVA** family home on Langdon Street or Woodward Avenue. Intercepted calls showed that **JERRY CORREIA** was delivering marijuana for both **HIDALGO** and **DASILVA** and often acted as a go-between for them. For example, when **BARNETT** was ready to send a load of marijuana to **HIDALGO** and **DASILVA**, **HIDALGO** called **JERRY CORREIA** and asked him to notify **DASILVA**. **HIDALGO** was also intercepted directing **JERRY CORREIA** to distribute oxycodone to **JOSE DENIS** and to distribute crack cocaine to **MORRIS ROBINSON**.

84. **JERRY CORREIA** is currently on Probation in Suffolk Superior Court on a firearm conviction (on which there is a pending probation violation notice) and has drug and motor vehicle (OUI) charges pending against him as well. His eight state court convictions include a 2005 conviction for Possession

of Cocaine with Intent to Distribute. He has been shot twice: once in 2004 in the area of Dudley and Cottage Streets; and again on December 1, 2012 at 509 Dudley Street. **JERRY CORREIA** has violated probation 5 times, was on probation throughout the underlying investigation, and had another violation (unrelated to his activity in this case) pending as of 12/30/12.

85. **LINO CORREIA**, a/k/a "Haj," a/k/a "Li," a/k/a "L," (14) is a 20-year old identified Woodward Avenue member. Although **LINO CORREIA** currently resides in Randolph/Weymouth, he is an identified member of the Woodward Avenue Gang who also showed himself to be an active member of the charged conspiracy during the wiretap phase of the investigation.

86. Intercepted calls show that **LINO CORREIA** regularly took direction from **HIDALGO** and **DASILVA** with respect to their drug trafficking operations and distributed thousands of oxycodone tablets on **DASILVA**'s behalf. At approximately 4:27 a.m. on December 1, 2012, surveillance showed two men, believed to be **DASILVA** and **LINO CORREIA**, run out of 36 Woodward Avenue, stand in the middle of the street, and fire multiple rounds from pistols at a passing SUV. **LINO CORREIA**, his brother **JERRY**, **DASILVA**, **JACKSON BARROS**, and **MICHAEL SCOTT**, were all present inside 36 Woodward Avenue when Boston Police entered that residence and subsequently recovered two guns. **LINO CORREIA** was reportedly shot on January 8, 2013 in the area of a Pawtucket, Rhode Island

nightclub.

87. **LINO CORREIA** has an extensive juvenile record that includes determinations or delinquency for Breaking and Entering in the Daytime (2004), Witness Intimidation (2006), Receiving Stolen Property and Possession of Burglarious Instruments (2009) and Possessing a Firearm and Discharging it within 500 feet of a Building (2009). Since joining the adult system (also in 2009), **LINO CORREIA** has been convicted of Knowingly Receiving Stolen Property (2009), Assault and Battery (2011), and Operating Negligently (2012). **LINO CORREIA** was on probation in one or more cases throughout the underlying investigation, and currently has open cases for Possessing a Firearm and Ammunition (Quincy District Court), Possession of Marijuana with Intent to Distribute (Roxbury District Court), and Malicious Destruction of Property (Brockton District Court). To date, **CORREIA** has been found to be in violation of probation (either as a juvenile or an adult) 5 times and also has 5 defaults.

88. **ALEX DASILVA a/k/a "Big Face Al," (15)** is the cousin of **JONATHAN DASILVA** who formerly lived in Roxbury but now resides in Brockton. **ALEX DASILVA** was first intercepted in October, 2012 ordering an ounce of crack cocaine from **HIDALGO** and was subsequently intercepted sending marijuana customers to his cousin **JONATHAN**. **ALEX DASILVA** also purchased ounce quantities of crack cocaine from **HIDALGO**.

89. In 2008, **ALEX DASILVA** was convicted of firearms offenses and sentenced to five years in state prison. His prior convictions include Possession of Marijuana and Resisting Arrest (2007), Possession of Marijuana with Intent to Distribute, Assault with Dangerous Weapon, Assault and Battery on a Police Officer (2005), Possession of Marijuana (2003), Possession Class B (2003), Assault and Battery (2002), Possession of Marijuana with Intent to Distribute (2001), and Assault and Battery with a Dangerous Weapon (2003) (2X). He has violated probation on 3 of the 4 cases on which it has been imposed and has defaulted 9 times.

90. **JOSE DENIS (16)** was also identified during the wiretap when he ordered up crack cocaine and "grease" (believed to be a reference to the liquid formed when crack cocaine is cooked) from **HIDALGO**. **DENIS** placed numerous orders for crack cocaine (in quantities as high as 9 ounces), oxycodone, and marijuana from **HIDALGO**. **DENIS** was also seen on surveillance going into 225 Blue Hill Avenue to pick up drugs from the apartment of **HIDALGO's** girlfriend **DULSILINA TAVARES**. **DENIS** has a limited criminal record that includes a conviction for possessing marijuana with intent to distribute but has defaulted on 5 of the 6 adult cases brought against him.

I am advised by DHS that **DENIS** is a citizen of Haiti and a is a green card holder. In 2010, **DENIS** was placed into removal

proceedings as the result of an Aggravated Felony conviction. However, an Immigration Judge granted a waiver of removal on December 18, 2012. According to DHS travel data, DENIS traveled to Haiti in 1992, 2003, and 2009.

91. **CARLOS FERNANDES (17)** was identified during the wiretap investigation as an oxycodone customer of **DASILVA**. On three occasions, **FERNANDES** was intercepted ordering either 100 or 200 30 milligram oxycodone pills from **DASILVA** as well as quantities of marijuana. On each occasion, **FERNANDES** was then seen arriving at 36 Woodward Avenue and meeting with either **BEAL** or **DASILVA** on the street to accept the drugs.

92. **FERNANDES** has a lengthy criminal record that dates back to 1995, when he was 16 years old. His adult record includes 27 convictions including convictions for Threats and Assault with a Dangerous Weapon (2006), Distribution of Marijuana (2004), Larceny Over \$250 (2002), Possession of Marijuana (2002), Assault and Battery on a Police Officer and Resisting Arrest (2002), Assault and Battery with a Dangerous Weapon (Knife) (1998), Larceny from a Person (1996) as well as numerous other property, motor vehicle and less serious offenses. **FERNANDES'** Board of Probation Record reflects that he has violated probation on 6 occasions and that he has nearly a dozen defaults.

93. **MOISES FIGUEROA, a/k/a "Moe," a/k/a "MIZZ," a/k/a "SKEENO," (18)** was involved in both phases of the investigation.

FIGUEROA made 4 ounce-quantity deliveries of crack cocaine to CW-1. The first of these buys was set up by **HIDALGO** while the other three resulted from calls CW-1 made directly to **FIGUEROA**. Three of the buys took place at 37 Hendry Street while the fourth took place in an apartment that **FIGUEROA** maintains in Wellesley Hills, Massachusetts. Throughout the investigation, **FIGUEROA** also maintained an apartment on American Legion Highway in Roslindale from which he made cocaine deliveries.

94. **FIGUEROA** is accountable for over 100 grams of crack cocaine based on his controlled purchases alone. However, **FIGUEROA** was also regularly intercepted on the wiretaps, principally as a cocaine supplier to **HIDALGO**. **FIGUEROA** and **HIDALGO** spoke about kilo quantities of cocaine on multiple occasions and, on September 27, 2012 **FIGUEROA** was surveilled delivering a half kilo of cocaine to **HIDALGO**. On that date, officers watched **HIDALGO** go into **FIGUEROA**'s American Legion Highway apartment and come out with a package that he gave to **KENDRA WARD**, who then drove it to the Blue Hill Avenue apartment of **DULSILINA TAVARES** so that it could be cooked into crack cocaine. **FIGUEROA** was also frequently intercepted arranging to purchase quantities of marijuana from **HIDALGO**.

95. **FIGUEROA** has 20 adult convictions including convictions for possession of a firearm, resisting arrest, assault with a

dangerous weapon, and multiple property and motor vehicle violations. He has violated probation 8 times, has multiple defaults, and has been incarcerated on 7 separate occasions.

96. **PATRICK GOMES**, a/k/a "**Pistol**," (19) was released from Federal prison in the Spring of 2012 after serving a sentence following his conviction for aiding and abetting the sale of crack cocaine for fellow Woodward Avenue member and **DASILVA** associate **ALEX CURET**, a/k/a "**AJ**".

97. Although **GOMES** has been on federal supervised release since his release from prison and is subject to restrictions precluding him from returning to the Woodward Avenue area or associating with 40 identified associates (including **DASILVA**, **HIDALGO** and others), he immediately returned to Woodward Avenue and joined the charged conspiracy following his return to the street. Intercepted calls and surveillance showed **GOMES** regularly accompanying **HIDALGO** on drug deliveries including the September 27, 2012 pick up of a half-kilo of cocaine from **MOISES FIGUEROA** at 855 American Legion Highway in Dorchester.

98. **GOMES** is also a long-time member of the Woodward Avenue Gang. **GOMES'** involvement in Woodward Ave. is demonstrated by, among other things, an incident that took place in Dorchester District Court several weeks before his 2007 arrest and his recent firearm arrest outside Roxbury District Court.

99. On October 23, 2007, **ALEX DASILVA** and **RAFAEL AVILES**

were in Dorchester District Court for a pre-trial proceeding on a firearms case. The underlying charges resulted from a 2007 car stop made in response to a report of shots fired in the area of Mascoma and Quincy Street in Dorchester (an area controlled by the Intervale gang, another Woodward Ave. rival). When officers attempted to stop a late-model rental car speeding from this area, **DASILVA** and **AVILES** fled from the car. A total of four firearms were seized either from the car or the area around it.

100. The firearm case against **ALEX DASILVA** and **AVILES** came before the Dorchester District Court on October 23, 2007. On that date, numerous Woodward Ave. members showed up in court to "support" **ALEX DASILVA** and **AVILES**. **GOMES** was in court that day wearing a purple hooded sweatshirt and a purple hat (which, as set forth above, is the Woodward Ave. color). This is only one of a number of times Woodward Avenue members have been present in state court for proceedings involving their compatriots. Such demonstrations often result (as I believe they are intended to result) in the intimidation of witnesses.

101. As set forth above, the second incident of note regarding **GOMES'** established gang affiliation took place five years later to the day on October 23, 2012. On that date, the venue was Roxbury District Court and the person being arraigned was Woodward Avenue member **MICHAEL SCOTT**. As set forth above, when **SCOTT's** sister reported to **JONATHAN DASILVA** that **SCOTT** was

being surrounded by members of a rival gang, **DASILVA** directed **GOMES** to pick up a firearm and go to the Court to rescue **SCOTT**. As is also set forth above, **GOMES** and fellow Woodward Avenue member **JOSHUA BRANDAO** were arrested outside the courthouse minutes later after a loaded firearm, drugs, and a purple hooded sweatshirt were recovered from their rental car. **GOMES** was also found to have \$456 at booking.

102. There is also substantial evidence that **GOMES** has been involved in gang-related shootings. **GOMES'** house has been the scene of shots-fired incidents, including an incident that took place on October 14, 2007 (weeks before his 2007 federal arrest). **GOMES** was himself shot on December 23, 2006, as he sat outside his residence with **JONATHAN DASILVA**. On that date, **GOMES** was driven to Boston Medical Center where he self-reported the gunshot injury and refused to cooperate with police called to investigate.

103. **GOMES** was also arrested for firearm possession on March 19, 2003 after officers responding to a report of shots fired found him in a room with a .357 revolver. **GOMES** made threats to a police officer after a 2004 drug arrest in and was arrested that same year after he threatened to "f--k up" the dean of the Burke High School.

104. **HAMILTON LOPES**, a/k/a "Ham, a/k/a "Hammi," (20) was identified as a crack cocaine supplier working with **HIDALGO** and

other individuals associated with **HIDALGO** on Hendry Street. On two occasions, he directed CW-1 to 37 Hendry Street (mentioning **JOHN WEBBE** in particular during one buy) to make purchases of crack cocaine, and boasted that CW-1 would not be able to get a better price anywhere else.

105. **LOPES'** involvement in the conspiracy was confirmed by intercepted calls in which he repeatedly ordered crack cocaine and marijuana from **ALEXIS HIDALGO**. Intercepted calls also showed that **LOPES** contacted **DASILVA** to arrange for one or more purchases of marijuana.

106. In 2004, **LOPES** was convicted of a federal drug offense in this Court and sentenced to 41 months in prison. He remained on Supervised Release throughout much of this investigation. Before completing his term of supervised release in April of 2012, **LOPES** was violated two times and has violated probation in other cases on five occasions. **LOPES'** state court convictions include Knowingly Receiving Stolen Property (2009), Larceny Over \$250 (2007), Assault with A Dangerous Weapon (2002) (twice), Witness Intimidation (2002), Possession of Marijuana (2002), Possession of Burglarious Tools and, Breaking and Entering in the Nighttime, Larceny from a Building, and Larceny Over \$250 (2001), Distribution of Cocaine (2001) and Carrying a Dangerous Weapon (2000). **LOPES'** Massachusetts Board of Probation Records reflect 7 probation violations as well as multiple defaults.

107. **LEKANA OM (21)** is a Cambridge resident whose sister had connections with **DASILVA** in Atlanta, where **DASILVA** stayed while banned from Massachusetts under the terms of his 2008 probation. **OM** was intercepted beginning on or about November 5, 2012 when **DASILVA** began storing marijuana with her and when she made a one-pound delivery of marijuana for **DASILVA** to **MICHAEL BEAL** on Woodward Avenue that was captured on film. On the same day, **OM** was contacted again by **DASILVA** who told her he needed two more pounds delivered and she thereafter was photographed a second time meeting **O'NEIL TAYLOR** on Woodward Avenue and delivering the drugs to him.

108. On March 5, 2008, **NICHOLAS OTEY, a/k/a "Nick," a/k/a "Bonzy," (22)** was convicted in this court of distributing crack cocaine and sentenced to 30 months in prison. **OTHEY** began his supervised release in 2010, and was subject to a number of special conditions including the requirement that he stay at least 1/2 mile away from Hendry Street. Notwithstanding these restrictions, **OTHEY** continued to be seen on Hendry Street and, on March 18, 2010, was found in violation of his supervised release and was sentenced to time served with 25 months of supervised release to follow. **OTHEY** is an identified HSG member.

109. **OTHEY** violated his supervised release a second time in 2012. On October 11, 2012 (after failing to show up for one

Final Revocation Hearing), **OTey** was sentenced to 120 days in prison with no additional supervised release to follow. **OTey** was thus under the supervision of this Court throughout the underlying investigation.

110. **OTey** first surfaced in this investigation on August 15, 2011, when he delivered crack cocaine to **HIDALGO** on Woodward Avenue which **HIDALGO** then handed to CW-1. **OTey** was also present at 37 Hendry Street on November 11, 2011 when **MOISES FIGUEROA** delivered 24.8 grams of crack cocaine to CW-1 on video. **OTey** was also at 37 Hendry Street in violation of his supervised release on another occasion when CW-1 bought more crack cocaine from **JOHN WEBBE**.

111. After **OTey** was sentenced to 120 days in custody for violating his terms of supervised release, **OTey** placed recorded jail calls to arrange for **HIDALGO** to obtain cocaine from an individual **OTey** knew. In addition, **OTey** arranged for **HIDALGO** to use the residence of his girlfriend, **RIVERA-LOPES**, as a place to cook and store crack cocaine; and to use **RIVERA-LOPES** as a drug runner for **HIDALGO**.

112. In addition to his 2008 federal drug convictions, **OTey** was convicted of possessing cocaine with intent to distribute in 2004 and is therefore a career offender. His record discloses that he has defaulted on 11 occasions and violated probation 3

times. As is set forth above, on October 11, 2012, he was incarcerated for 120 days for violating his federal supervised release for a second time and is currently in federal custody.

113. **RUTH RIVERA-LOPES**, a/k/a "Nunu," (23) is the girlfriend of **NICHOLAS OTEY** who was intercepted on the wiretap for the first time in late October, 2012 shortly after **OTHEY** was imprisoned for violating his federal supervised release. After that time, **RIVERA-LOPES** was repeatedly intercepted receiving instructions from **HIDALGO** directing her to make crack cocaine deliveries and collect money on his behalf. **RIVERA-LOPES** was also intercepted allowing **O'NEIL TAYLOR** and **JERRY CORREIA** into her Blue Hill Avenue apartment on October 30, 2012 to cook cocaine belonging to **HIDALGO** into crack. These calls were confirmed by surveillance that saw **TAYLOR** and **CORREIA** arriving at the apartment. **RIVERA-LOPES'** involvement with **HIDALGO** was also confirmed in jail calls between her and **OTHEY** after **OTHEY** was imprisoned for violating his supervised release.

114. **RIVERA-LOPES** has had criminal justice involvement since 2000 and has an extensive history of probation violations and threatening behavior, all as indicated in her Summary of BPD Reports.

115. **MORRIS ROBINSON**, a/k/a "Mike," (24). We first became aware of **ROBINSON** in August, 2012 when he was intercepted

ordering an ounce of crack cocaine from **HIDALGO**. After agents watched **ROBINSON** go inside 37 Hendry Street on August 14, 2012 and come back out a short time later, he was followed to Brockton. In a subsequent intercept, **ROBINSON** told **HIDALGO** that he had detected the surveillance.

116. Evidence gathered during the balance of the wiretap phase demonstrated that **ROBINSON** was a frequent crack cocaine customer of **HIDALGO's** who occasionally purchased marijuana and oxycodone as well. **ROBINSON** purchased ounce quantities of crack cocaine either from **HIDALGO** or **RIVERA-LOPES** (at **HIDALGO's** direction).

117. **ROBINSON** was first brought into the criminal justice system as a 16-year old juvenile in 1997. Since becoming an adult, he has been convicted for Trafficking in Cocaine and Distributing a Controlled Substance in a School Zone (2007), Possession Of Mace (2005), Assault and Battery on a Police Officer (2000), Knowingly Receiving Stolen Property, Breaking and Entering in the Nighttime With Intent to Commit a Felony and Malicious Destruction of Property (twice in 2000), and Possessing Cocaine (1999). In all, **ROBINSON** has been convicted or determined to be a delinquent more than 20 times, has violated Probation twice (on multiple cases), and has been placed in default over 10 times.

118. **MARTINO RODRIGUES**, a/k/a "Thoey, a/k/a "Tho," (25) was

known by the police to be an associate of both **HIDALGO** and **DASILVA** from the outset of the investigation and is another identified member of the Woodward Avenue Gang. On October 23, 2012, **RODRIGUES** was one of several people **HIDALGO** called to accompany **GOMES** and **BRANDAO** to the Roxbury Court to assist **MICHAEL SCOTT**. Although **RODRIGUES** agreed to go, he did not get there in time to assist **GOMES** in any dispute that might have broken out with **ANGELO TEXEIRA** and his Wendover Street compatriots.

119. During the wiretap phase, **RODRIGUES** periodically took instructions from **DASILVA** with respect to marijuana sales on Woodward Avenue. On October 31, 2012, for example, **DASILVA** directed **RODRIGUES** to make a sale to a particular customer and then to obtain delivery of a pound of marijuana and take it inside 36 Woodward Avenue. The latter transaction was captured by surveillance.

120. **RODRIGUES** was convicted of selling crack cocaine in this Court on February 10, 2004 and sentenced to 51 months in prison. He violated his original 5-year term of supervised release first in 2009 (and was incarcerated for 12 more months) and again in 2012 when he was re-incarcerated for 9 additional months and discharged from any future supervised release. Thus, **RODRIGUES** was also under federal court supervision for much of

the underlying investigation.

121. **RODRIGUES'** state court record includes a conviction for disorderly conduct, a determination of delinquency for possessing marijuana, and 7 defaults.

I am advised by DHS that **RODRIGUES** is a Cape Verdean citizen who is already the subject of a Deportation Order as a result of his criminal history. **RODRIGUES** has not yet been deported because DHS has been unable to obtain a travel document from the Cape Verdean government. **RODRIGUES** was last released from ICE custody on or about June 1, 2010 pursuant to an Order of Supervision pending the issuance of the travel documents to effect his removal.

122. **VICTOR SCOTT, a/k/a "Rel," a/k/a "Little Jizz," (26)** was also identified by CW-1 in connection with controlled purchases of crack cocaine that **SCOTT** was making for **HIDALGO** at 37 Hendry Street. **SCOTT**, a Hendry Street Gang member, participated in 5 such sales during the controlled purchase phase of the investigation totaling in excess of 60 grams of crack. All but the last of these sales were done at the behest of **HIDALGO**. The final sale (that taking place on 9/30/12) was arranged by **JOSHUA BRANDAO** after CW-1 contacted **BRANDAO**.

123. Intercepts showed that **SCOTT** took instructions from **HIDALGO** regarding sales of both crack cocaine and marijuana at various points in the investigation. On November 12, 2012, **SCOTT**

was also instructed by **HIDALGO** to bring a gun to the Burger King on Dorchester Avenue after **HIDALGO** had apparently had some dispute with the occupants of a Dodge Charger. The intercepted calls reflect that **SCOTT** complied with **HIDALGO's** direction but it appeared that the Charger had left the area by the time that **SCOTT** arrived with the gun. **SCOTT** also made numerous purchases of marijuana (believed to be generally quarter-pound quantities) from **HIDALGO** throughout the wiretap phase of the investigation.

124. **SCOTT** admitted to distributing cocaine in Dorchester District Court in 2007, his only conviction (CWOFF) as an adult. **SCOTT** was also determined to be a delinquent on a charge of Assault and Battery in 2006. Board of Probation Records for **SCOTT**, who was shot in 2007, show that **SCOTT** has 2 defaults and 1 probation violation. He also has a open cocaine case pending in Dorchester District Court.

125. **DULSILINA TAVARES, a/k/a "DUCE," (27)** was identified as the girlfriend of **ALEXIS HIDALGO** in mid-2012 and lived on Blue Hill Avenue during the wiretap phase of the investigation. Beginning in August, 2012, **HIDALGO** was intercepted giving **TAVARES** instructions regarding the weighing and packaging of both crack cocaine and marijuana in order to make it available to specific customers. **HIDALGO** also arranged to have customers come to **TAVARES'** apartment to pick up drugs and repeatedly directed her to conduct both crack cocaine and marijuana transactions on his

behalf. Numerous customer were surveilled to Blue Hill Avenue in order to pickup drugs from **TAVARES** in accordance with arrangements made with her (and/or individual customers) by **HIDALGO**.

126. On September 27, 2012, **HIDALGO** directed **TAVARES** to collect \$5000 from **JOSE DENIS**, who was seen going to **TAVARES'** apartment later that same day. Intercepted calls also established that **HIDALGO** frequently used **TAVARES'** apartment after 37 Hendry Street was shut down to cook crack cocaine and meet customers.

127. **TAVARES** served 90 days in prison in after violating her Probation on a marijuana and motor vehicle case in 2008. Her juvenile record includes determinations of delinquency for Assault and Battery with a Dangerous Weapon (2003, DYS Committed), Affray, Larceny Under \$250, and Breaking and Entering in the Daytime With Intent to Commit a Felony. Her Board of Probation Records includes 5 probation violations and a default.

128. At the outset of the investigation, **CARL TAYLOR, a/k/a "D," a/k/a "Danny," (28)** resided in the first floor apartment at 37 Hendry Street and was known only as "D". **CARL TAYLOR** was identified by CW-1 from a photograph after CW-1 had seen him at 37 Hendry Street. On November 11, 2011, CW-1 obtained approximately 30 grams of crack cocaine from **JOHN WEBBE** after **WEBBE** went to the first floor apartment (where **TAYLOR** resided) to

get the drugs.

129. When 37 Hendry Street was shut down in August, 2012, **CARL TAYLOR** also participated in two phone calls with **HIDALGO** about the need to move the firearms then being stored at that address. Other intercepted calls showed that **CARL TAYLOR** purchased pounds of marijuana from both **HIDALGO** and **DASILVA**.

130. **CARL TAYLOR** has a lengthy state court record that includes convictions for Assault and Battery with a Dangerous Weapon (2008); Possession of Marijuana with Intent to Distribute and Assault and Battery on a Police Officer (2008); Carjacking, Assault and Battery with a Dangerous Weapon, Possession of a Firearm and Possession of Cocaine with intent to Distribute (1998); and Manufacturing a Class B substance (cocaine) (1997). In all, **CARL TAYLOR** has more than 20 adult convictions and has been incarcerated 5 times for periods of up to 3-5 years. Two of these periods of incarceration were imposed only after **CARL TAYLOR** violated probation.

131. **O'NEIL TAYLOR**, a/k/a "**CHEW**," (29) was identified as an associate of **HIDALGO** and **DASILVA** who CW-1 knew only as "**CHEW**." **O. TAYLOR** was present during two sales of crack cocaine made by **HIDALGO** to CW-1 and was intercepted discussing sales of both crack cocaine and marijuana with **HIDALGO**. **HIDALGO** also enlisted **O. TAYLOR** to cook crack cocaine for him on at least twice, the

first at **RUTH RIVERA-LOPES'** apartment located on Blue Hill Avenue, and the second at **DULSILINA TAVARES'** Blue Hill Avenue apartment. In 2007, **TAYLOR** admitted to sufficient facts on 2 marijuana cases which were thereafter continued without a finding.

132. **JOHN WEBBE, a/k/a "Jizz," (30)** was first identified by CW-1 as a close associate of **HIDALGO** who lived on the second floor of 37 Hendry Street. During the controlled purchase phase of the investigation, **WEBBE** participated in 4 sales of crack cocaine (totaling approximately 70 grams). Three of these sales took place inside 37 Hendry Street. Photographs of **WEBBE** taken from a crack cocaine buy he made on September 30, 2012 are attached as Exhibit 12.

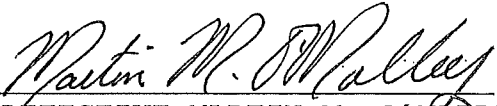
133. Intercepted calls showed that **WEBBE** made sales of crack cocaine and marijuana (often at **HIDALGO's** direction) throughout the remainder of the investigation. **WEBBE** also collected money from **HIDALGO's** customers and frequently stored, transported, and concealed drugs and money for **HIDALGO**, initially at 37 Hendry Street and later at 495 Blue Hill Avenue. When 37 Hendry Street was shut down by ISD, **HIDALGO** gave **WEBBE** instructions directing him to take the firearms then at 37 Hendry Street and at 33 Hendry Street (and then in the possession of **CHRISTINA DEBURGO**) to **CALVIN HORNE** who came to 37 Hendry Street

to pick them up.

134. In 2007, **WEBBE** was convicted in this Court of distributing crack cocaine and sentenced to 48 months in prison to be followed by 5 years of supervised release. After getting out of prison, **WEBBE** repeatedly violated his supervised release and was discharged from any additional supervision in 2011.

135. **WEBBE** has numerous state court convictions as well. They include convictions for drug distribution (two in 2005 and a third in 1997) as well as additional convictions for Resisting Arrest and Assault and Battery with a Dangerous Weapon (2005). Overall, **WEBBE** has been convicted of more than a dozen adult offenses, has been incarcerated five times for periods up to 4 years, and has repeatedly both defaulted and violated probation.

I hereby certify this 16th day of January, 2013, that the foregoing is true to the best of my information, knowledge, and belief.


DETECTIVE MARTIN M. O'MALLEY
BOSTON POLICE DEPARTMENT